

To: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Karen Schwinn/OU=R9/O=USEPA/C=US
Sent: Wed 5/18/2011 8:44:45 PM
Subject: Re: Fw: 8Fold Project explanation from Bruce
b.gerbs@resources.ca.gov
bwalthall@kcwa.com

what I took this to mean is that Ebbin and ICF are saying the PRE's should fund more work on effects analysis for legal risk reduction, as well as the technical trashing that the agencies gave it..

~~~~~  
KAREN SCHWINN  
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~~~~~

From: Tom Hagler/R9/USEPA/US
To: Karen Schwinn/R9/USEPA/US@EPA
Date: 05/18/2011 01:33 PM
Subject: Re: Fw: 8Fold Project explanation from Bruce

So the contractors are getting their legal advice from Ebbin and David Zippin (a PhD from Jones and Stokes or whatever its called these days).

Tom Hagler
Assistant Regional Counsel
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From: Karen Schwinn/R9/USEPA/US
To: Tom Hagler/R9/USEPA/US@EPA
Date: 05/18/2011 01:21 PM
Subject: Fw: 8Fold Project explanation from Bruce

Degennaro-Walthall email. Read up from the bottom. Doesn't help my understanding much. No attachment.

~~~~~  
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----- Forwarded by Karen Schwinn/R9/USEPA/US on 05/18/2011 01:19 PM -----

From: "Hoffman-Floerke, Dale" <dalehf@water.ca.gov>
To: Beth Gerbutavicius <beth.gerbutavicius@resources.ca.gov>, Jerry Meral <jerry.meral@resources.ca.gov>, Karla Nemeth <karla.nemeth@resources.ca.gov>, "jmccamman@dfg.ca.gov" <jmccamman@dfg.ca.gov>, Scott Cantrell <scantrel@dfg.ca.gov>, Carl Wilcox <cwilcox@dfg.ca.gov>, "Paul.J.Robershotte@usace.army.mil" <Paul.J.Robershotte@usace.army.mil>, "Cowin, Mark" <mcowin@water.ca.gov>, "Will.Stelle@noaa.gov" <Will.Stelle@noaa.gov>, "michael.tucker@noaa.gov" <michael.tucker@noaa.gov>, "rod.mcinnis@noaa.gov" <rod.mcinnis@noaa.gov>, Maria Rea <maria.rea@noaa.gov>, "dglaser@usbr.gov" <dglaser@usbr.gov>, "fbarajas@usbr.gov" <fbarajas@usbr.gov>, "rmilligan@usbr.gov" <rmilligan@usbr.gov>, "Milligan, Ronald E." <rmilliga@water.ca.gov>, "sfry@usbr.gov" <sfry@usbr.gov>, "david_nawi@ios.doi.gov" <david_nawi@ios.doi.gov>, "ren_lohofener@fws.gov" <ren_lohofener@fws.gov>, "dan_castleberry@fws.gov" <dan_castleberry@fws.gov>, Karen Schwinn/R9/USEPA/US@EPA
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Date: 05/18/2011 01:01 PM
Subject: 8Fold Project explanation from Bruce

As requested from this morning's 5-Agency meeting.

Dale H-F
Acting Deputy Director
Delta and Statewide Water Management
916.653.8045

From: Beth Gerbutavicius [mailto:beth.gerbutavicius@resources.ca.gov]

Sent: Tuesday, May 17, 2011 1:35 PM

To: Jerry Meral; Karla Nemeth; jmccamman@dfg.ca.gov; Scott Cantrell; Carl Wilcox; Paul.J.Robershotte@usace.army.mil; Cowin, Mark; Hoffman-Floerke, Dale; Will.Stelle@noaa.gov; michael.tucker@noaa.gov; rod.mcinnis@noaa.gov; Maria Rea; dglaser@usbr.gov; fbarajas@usbr.gov; rmilligan@usbr.gov; Milligan, Ronald E.; sfry@usbr.gov; david_nawi@ios.doi.gov; ren_lohoefener@fws.gov; dan_castleberry@fws.gov; schwinn.karen@epa.gov
Cc: Beth Gerbutavicius; jortiz@dfg.ca.gov; ahowe@dfg.ca.gov; Friend, Janiene; Bratcher, Loretia; joan.r.langhans@noaa.gov; nancy.fisher@noaa.gov; chris.yates@noaa.gov; miki.hirano@noaa.gov; kimberly.speech@noaa.gov; rschlueter@usbr.gov; letty_belin@ios.doi.gov; maureen_spahr@fws.gov; Lori_Rinek@fws.gov
Subject: 5 Agency Principals meeting agenda

Attached is the agenda for tomorrow's meeting

Beth Gerbutavicius, BDCP Administrative Manager
California Natural Resources Agency
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(916) 653-2784
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----- Message from Bruce DiGennaro <bruce@essexpartnership.com> on Wed, 18 May 2011 07:56:22 -0700 -----
To: "Walthall, Brent" <bwalthall@kcwa.com>, Laura King Moon <LauraK@swc.org>, Allison Dvorak Febbo <AFebbo@swc.org>, Ara Azhderian <ara.azhderian@sldmwa.org>, "b.gerbs@resources.ca.gov" <b.gerbs@resources.ca.gov>, Becky Sheehan <RSheehan@mw2o.com>, "ckao@valleywater.org" <ckao@valleywater.org>, "Creel, Curtis" <crcree@kcwa.com>, "Hoffman-Floerke, Dale" <dalehf@water.ca.gov>, "Federico Barajas" <fbarajas@usbr.gov>, "gzlotnick@h2oesq.com" <gzlotnick@h2oesq.com>, "jpeltier@westlandswater.org" <jpeltier@westlandswater.org>, "Jerry Meral" <jerry.meral@resources.ca.gov>, Jim Fiedler <jfiedler@valleywater.org>, "JMaher@valleywater.org" <JMaher@valleywater.org>, Judy Bendix <jbendix@sbcglobal.net>, Kurt Arends <karends@zone7water.com>, "Bratcher, Loretia" <lbratche@water.ca.gov>, Laura Simonek <lsimonek@mw2o.com>, Linda Standlee <LStandlee@swc.org>, "vbarrio@mw2o.com" <vbarrio@mw2o.com>, Peter Landreth <peter.landreth@mirant.com>, "RPatterson@mw2o.com" <RPatterson@mw2o.com>, Ron Milligan <rmilligan@usbr.gov>, Sheila Greene <sgreene@westlandswater.org>, "sarakawa@mw2o.com" <sarakawa@mw2o.com>, Terry Erlewine <terlewine@swc.org>, "tmblerliner@duanemorris.com" <tmblerliner@duanemorris.com>
cc: "Pierre, Jennifer" <JPierre@icfi.com>
Subject: RE: FOR PRE meeting
Brent, et. al.,

Based on the various calls I have participated in over the past 2 weeks on this, including yesterday's brief discussion, I do believe there are some basic misunderstandings that are confounding the problem here.

Below are answers to your questions, along with additional info that may help the understanding piece.

Where does it fit in?

What the NGOs are proposing would fit in three boxes:

1. Effects Analysis
2. Conservation Strategy/Measure Refinements
3. Adaptive Management Planning/Implementation (i.e. how would you move forward implementing CM's in accordance with basic principles of AM).

Why is it necessary, why is it coming into the EA so very late in the process?

I'm not in a position to say what's "necessary", but the exercise could provide value in three areas (mirroring the items above):

1. Provide additional scientific support for the Plan (which presumably helps the agencies issue a permit). As Jennifer said yesterday, they are already planning to utilize DRERIP models and 2009 evaluations, this exercise would refine the 2009 work and make it more useful for ICF – improving science foundation.
2. Identify any shortcomings in the current strategy and CMs, and possible ways to address (including addressing through implementation in the context of AM).
3. Outline details on plan implementation, specifically in terms of AM.

There are two other important potential values that it could provide:

1. Increase transparency (the DRERIP process is specifically designed to provide a very transparent, objective evaluation)
2. Keep the NGO's engaged and increase buy-in. It also has the potential to increase agency "buy-in".

As far as timing, I think the NGOs would say they have been asking for this for some time and that it's not late in the process.

Is this something that is normally done for EAs and ICF simply forgot to put it in their proposal?

No. DRERIP was designed specifically to evaluate eco restoration actions in the Delta, so it is particularly relevant here and the NGOs and agencies would like to see it used.

Is it in ICF's proposal but they don't have the capability so we need to supplement their effort?

Using the existing info is in their scope. Updating the previous work is not.

Has it been reviewed by the fish agencies and they said they are more likely to approve if it is included or are we just assuming that?

To date I do not think there has been much dialog with the agencies. Historically they have been fairly vocal about using DRERIP. They funded development of the tools.

Was this a legal deficiency that Mark Ebbin or David Zippin identified?

Not to my knowledge. I don't think this is really a legal issue.

Hope that helps some.

I'm available to talk more specifically about what "DRERIP" is and is not, and how it is intended to work – and how it could specifically be useful, as desired.

Bruce

Bruce DiGennaro

(401) 619-4872 - office

(401) 835-1185 - cell

From: Walthall, Brent [mailto:bwalthall@kcwa.com]

Sent: Tuesday, May 17, 2011 12:50 PM

To: 'Laura King Moon'; Allison Dvorak Febbo; Ara Azhderian; b.gerbs@resources.ca.gov; Becky Sheehan; ckao@valleywater.org; Creel, Curtis; Dale K. Hoffman-Floerke; Federico Barajas ; gzlotnick@h2oesq.com;

jpeltier@westlandswater.org; Jerry Meral ; Jim Fiedler; JMaher@valleywater.org; Judy Bendix; Kurt Arends;
Lacretia Bratcher; Laura Simonek; Linda Standlee; vbarrio@mw dh2o.com; Peter Landreth;
RPatterson@mw dh2o.com; Ron Milligan; Sheila Greene; sarakawa@mw dh2o.com; Terry Erlewine;
tmberliner@duanemorris.com
Cc: Bruce DiGennaro; Pierre, Jennifer
Subject: RE: FOR PRE meeting

I think my head is going to explode. I've read it and frankly can't understand it. Please ask Bruce, or Jennifer or someone to start their presentation by putting this in context. Where does it fit in? Why is it necessary, why is it coming into the EA so very late in the process? Is this something that is normally done for EAs and ICF simply forgot to put it in their proposal? Is it in ICF's proposal but they don't have the capability so we need to supplement their effort? Has it been reviewed by the fish agencies and they said they are more likely to approve if it is included or are we just assuming that? Was this a legal deficiency that Mark Ebbin or David Zippin identified? etc... I might have a better chance of understanding the "what" if they first explain the "why."

As I've repeated several times, this will be a very tough sell for KCWA so we will need good solid reasons for doing it, something more than simply because John Cain and John F think it is a good idea. It has to be legally and/or scientifically required beyond what ICF and our other consultants are already doing for us.

Thank you,
Brent

Brent Walthall n Assistant GM n Kern County Water Agency n (916) 325-1600 n bwalthall@kcwa.com

From: Laura King Moon [mailto:LauraK@swc.org]
Sent: Tuesday, May 17, 2011 9:25 AM
To: Allison Dvorak Febbo; Ara Azhderian; b.gerbs@resources.ca.gov; Becky Sheehan; Walthall, Brent; ckao@valleywater.org; Creel, Curtis; Dale K. Hoffman-Floerke; Federico Barajas ; gzlotnick@h2oesq.com; jpeltier@westlandswater.org; Jerry Meral ; Jim Fiedler; JMaher@valleywater.org; Judy Bendix; Kurt Arends; Lacretia Bratcher; Laura King Moon; Laura Simonek; Linda Standlee; vbarrio@mw dh2o.com; Peter Landreth; RPatterson@mw dh2o.com; Ron Milligan; Sheila Greene; sarakawa@mw dh2o.com; Terry Erlewine; tmberliner@duanemorris.com
Cc: Bruce DiGennaro; Pierre, Jennifer
Subject: FOR PRE meeting
Importance: High

Here is the 8 fold plan with a new name, this is Bruce's and Jennifer's workproduct with track changes and comments by Cain and Rosenfield. For discussion at the noon meeting today. Bruce and Jennifer will join us at 12:15 to hear comments and answer questions. The call in number is 916.657.4110.

Linda, please make copies for those here in person. Thanks.

Laura King Moon
BDCP PRE Program Manager
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916/447-7357, ext. 206

From: Bruce DiGennaro [mailto:bruce@essexpartnership.com]
Sent: Tuesday, May 17, 2011 7:43 AM
To: Laura King Moon; JPierre@icfi.com
Cc: DZippin@icfi.com
Subject: Comments on Workplan

Laura, Jennifer,

Attached are comments and suggested edits from John and Jon.

I think most of the suggestions are straight forward and non-controversial, but there are a few items that merit discussion before proceeding.

Any chance we can do a quick call this morning to run through these and decide what you want to do?

I am a bit jammed this afternoon, but can make time to update the workplan once we have touched base.

Bruce

Bruce DiGennaro

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